

1 going interest rate was?

2 A Right --

3 Q And it was, it was adjustable on a yearly basis?

4 A No, I don't think -- I don't know, that's not how a
5 prime works. I think it's every six months. It might even be
6 more than that.

7 Q Okay. Let me flip to Exhibit F, which are your cost
8 estimates. You'll note at the bottom of the page you've got
9 an entry there for office furniture, etc. on hand.

10 A Um-hum.

11 Q What, what did, what did you have in mind by the
12 etc.?

13 A Chairs, everything had to do with office furniture,
14 a lot of furniture.

15 Q Anything else?

16 A No.

17 Q All right. Let me take a big jump and go to -- turn
18 you to Exhibit M, which is the last exhibit. It's your
19 balance sheet as of June 30, 1993. And again, as of June 30,
20 1993, is it safe to say you were defining current liabilities
21 in the same way --

22 A Yes.

23 Q -- you were defining them earlier?

24 A Um-hum. Yes.

25 Q And how did -- by the way, how did you, how did you

1 come to that definition of current liabilities?

2 A Current liabilities are bills, taxes, credit cards,
3 mortgage --

4 Q I understand that --

5 A There wasn't any mortgage.

6 Q I'm not making myself very clear. What I mean by --

7 A Okay.

8 Q What I mean by that question is, how did, how did
9 you come about to define current liabilities the way you did?
10 In other words, did you have a conversation with somebody to
11 -- who explained to you what current liabilities are? Do you
12 recall?

13 A I don't recall at the time, no.

14 Q Have you ever prepared a financial statement?

15 A By myself, no.

16 Q Have you ever prepared one with the assistance of
17 another person?

18 A Yes.

19 Q And who would that be?

20 A Well, it would have been when I was applying to buy
21 -- applying for a loan to buy, buy a house.

22 Q And which house is that?

23 A Well, let's see. I bought a house -- I've owned --
24 I owned a house when I lived in Lake Oswego in Oregon, before
25 I was married. My husband and I owned a house in Nicasio.

1 Q Did you prepare a financial statement to acquire any
2 kind of loan within the past year?

3 A Yes.

4 Q And explain to me what, what the financial statement
5 was prepared for and specifically for what loan?

6 A It was for a, a business loan or sometimes it's
7 called a crop loan on the, the vineyard that my husband and I
8 own.

9 Q And this is the financial statement you prepared?

10 A We prepared it.

11 Q You -- by we you mean your husband and yourself?

12 A Yes.

13 Q Okay. And is that -- was that a joint financial
14 statement then? That was prepared by the two of you?

15 A Yes.

16 Q So it wasn't a separate financial statement prepared
17 for yourself and a separate financial statement prepared for
18 your husband?

19 A No, we both signed it. You have it.

20 Q Okay. So the document in your mind that you
21 produced to me is a joint financial statement, just so that
22 I'm clear?

23 A Yes.

24 Q In that joint financial statement, do you recall
25 including all your liabilities and joint assets?

1 A You know, I don't recall -- I remember we sent it to
2 you, but I don't remember -- I can't recall -- we don't have
3 very many liabilities.

4 Q All right. We're still on, we're still on this
5 balance sheet as of June 30, 1993. At this time -- at the
6 time this balance sheet was prepared as of June 30, 1993,
7 there was, in fact, a crop loan in place, was there not?

8 A No. I don't think so.

9 Q So at that time there was no, there was no crop loan
10 in place?

11 A I don't recall. I don't -- I -- maybe I'm wrong,
12 but I don't think so. I, I -- I'm sorry, I don't have --
13 you've got the balance sheet so you probably know what better
14 than I do --

15 Q I've just placed before you a document entitled,
16 Promissory Note and Loan Agreement, Adjustable Rate (ARM) and
17 have also distributed a copy to counsel and the presiding
18 judge. Is this -- take a look at this document if you will
19 and, and let me know if this is the crop loan to which you
20 have been referring.

21 A Yes.

22 Q What's -- what is the date on the upper left-hand
23 corner of the document?

24 A It's June 4th.

25 Q What is the, what is the face amount of this crop

1 loan?

2 A It is 546,000.

3 Q All right. And it, and it called -- what's your
4 understanding of the terms of repayment of this note?

5 A It was our choice. We could either -- it could
6 either be paid when the -- when we had a harvest or it could
7 be paid monthly. I think we chose monthly. Or it could be
8 paid at the end of the year.

9 Q So it wasn't going to be paid off when, when the
10 harvest came about?

11 A It could be.

12 Q It could be?

13 A Yes.

14 Q Okay. And what, what are the monthly payments
15 required under this --

16 A Oh -- I think that they were about 4,000 a month.

17 Q And this is -- actually if you look at number two,
18 it's \$4,276, is it not?

19 A Right.

20 Q Per month? If I recall correctly, you are a
21 signator on this obligation, are you not?

22 A Yes, I am.

23 Q As long -- as well as your husband?

24 A Yes.

25 Q Is there a provision in here that you're aware of

1 that specifies or indicates what the security is to be for
2 this note, if there is any?

3 A I think the security is the vineyard.

4 Q You think it is?

5 A Yes.

6 Q Okay. What's the basis of your understanding of the
7 note?

8 A Having talked -- I've talked to the banker, talked
9 to the banker.

10 Q Let me refer you to the last page of this document.
11 Do you see the very last paragraph? It's typed in language.
12 It's not part of the standard language. It says, this note is
13 secured by personal property liens and by deed of trust dated
14 June 4, 1993, to be recorded. It goes on. What are the --
15 what, what is the personal property lien? Do you know?

16 A I'm not sure. It probably means the, the crops.

17 Q But you're not sure?

18 A I'm assuming it's the crop.

19 MR. FITCH: Your Honor, I'd like to have this marked
20 as Willson -- I don't know how to -- should I just start a
21 whole new round of numbers here? Why don't I use letters?

22 JUDGE LUTON: Okay.

23 MR. FITCH: I'll use Willson Exhibit A and provide
24 two copies to the Court Reporter as well.

25 JUDGE LUTON: Let's mark that as Willson's A for

1 identification.

2 (Whereupon, the document referred to
3 as Willson Exhibit A was marked for
4 identification.)

5 MR. FITCH: All right. And, Your Honor, I would
6 like to move it into evidence at this point.

7 JUDGE LUTON: Objection?

8 MR. SHUBERT: Yes, Your Honor. I'll object on the
9 grounds of relevance. I think we've got testimony in the
10 record that indicates that the crop loan is self-liquidating,
11 therefore, the amount that's due is irrelevant.

12 JUDGE LUTON: Overruled. A is received.

13 (Whereupon, the document referred to
14 as Willson Exhibit A was received
15 into evidence.)

16 BY MR. FITCH:

17 Q I believe, I believe you testified earlier in
18 reference to this crop and possibly paying off this loan, that
19 it would be paid off on the sale of the crop. Is that, is
20 that correct?

21 A On a yearly basis, yes. It can be paid off on the
22 sale of the crop or it can be paid off monthly.

23 Q All right. Now, just so that we're, just so that
24 we're clear on what we're talking about when we're talking
25 about crop here. You, you have a vineyard. Isn't that

1 correct?

2 A That's true.

3 Q So we're talking about grapes here?

4 A Yes.

5 Q When we're referring to a crop? Now, at this stage
6 what crop is there? Is -- are, are there grapes on the vines?

7 A No, the crop's harvested.

8 Q The crop is already harvested?

9 A Yes, it is.

10 Q Has it been sold?

11 A It's been sold.

12 Q Has this loan been paid off?

13 A It's been -- we've been paying it off -- we paid it
14 -- we decided to pay it off monthly.

15 Q Oh, I see. In fact, you're required to pay it off
16 monthly at minimum, right? Is that correct?

17 A No, we could pay it off all at once in one lump sum
18 if we wanted to.

19 Q Okay. Now, as of June 30, 1993, when this financial
20 state -- when this balance sheet was prepared, you had
21 recently purchased your vineyard. Is that correct? Within a
22 matter of months prior to the preparation of this document?

23 A Yes.

24 Q And you had also recently sold your Nicasio
25 property. Is that correct?

1 A Yes.

2 Q All right. Now, in -- you sold your Nicasio
3 property for how much?

4 A I think it was about 1.7 million.

5 Q All right. And you purchased your new property for
6 how much?

7 A About 900,000 --

8 Q Right. So you had a capital gains, did you not, on,
9 on the purchase of your -- on, on that transaction?

10 A Yes.

11 Q Do you know when that capital gains would be due and
12 payable?

13 A I think it's three years.

14 Q Three years?

15 A Um-hum.

16 Q Did you consult with anybody?

17 A With our accountant.

18 Q Okay. The -- your only two accounts, and I'm off
19 your exhibits now and I'm off that last financial statement we
20 were discussing, your only two accounts at the time your
21 application for Calistoga was filed were brokerage accounts
22 with Alex Brown? One, one being the Abbie & Bianco Retirement
23 Account and the other being the Mary F. Constant account. Is
24 that correct?

25 A Those are the only two Alex Brown accounts I had,

1 yes.

2 Q Did you have any other accounts?

3 A Yes. I had other bank accounts.

4 Q Oh, and what were those?

5 A I think I stated to you before I had a Wells Fargo

6 account.

7 Q And that was a checking account?

8 A That's a checking account.

9 Q Okay. You had no savings account. Is that correct?

10 A No.

11 Q And boon -- and Moonbeam had no checking account at

12 that time, did it?

13 A In November of '91, no it didn't.

14 Q You're, you're not employed or you have no

15 employment other than as an actress or a model from time to

16 time. Is that correct?

17 A No, I'm not if you're discounting my managing the

18 property.

19 Q So you manage the property as well?

20 A Yes.

21 Q Okay. And, and tell me about your management of the

22 property.

23 A I managed renting it out to commercials and movie

24 companies.

25 Q Which property are you talk -- you rent out your

1 | vineyard to --

2 | A I'm in the process of, of doing that right now. Yes
3 | I am. I've contacted the location scouts that I worked with
4 | at Shoot the Moon and I'm in the process of sending them
5 | pictures and having them come visit and I -- actually some
6 | have, so I can begin the process of renting out the Diamond
7 | Mountain Vineyard as well. I was lucky. I have a lot of
8 | contacts in that field now.

9 | Q Do you recall being asked the question during your
10 | deposition -- when you were deposed just recently in Santa
11 | Rosa on this whole issue, do you recall being asked the
12 | question by me, do you have any other sources of income? I
13 | mean, are you paid for performing services or for any other
14 | employment? And your answer to that, no.

15 | A I wasn't counting leasing out my -- or renting out
16 | my property then.

17 | Q See, you're not, you're not now affiliated with any
18 | real estate company, are you?

19 | A I'm affiliated with them, but I haven't been
20 | actively working there, no.

21 | Q Do you, do you recall, again at this deposition, my
22 | asking you are you affiliated with any real estate company and
23 | your answer, I am not now. Do you recall that answer?

24 | A By affiliation I mean I'm not going to work there
25 | every day. My license -- I told -- I think I told you at the

1 time my license is still hanging there though.

2 Q Your prob-- over this past year do you recall also
3 testifying that you probably made \$500 a month on an average
4 during the past year?

5 A I did say that, but I was being -- you know, I --

6 Q Ms -- excuse me --

7 A -- I was --

8 Q Excuse me --

9 A -- the day, the day after I talked to you --

10 Q Excuse me --

11 A -- you know --

12 MR. FITCH: Your Honor, that's not responsive to my
13 question.

14 MR. SHUBERT: I object, Your Honor. He didn't give
15 her a chance to answer. How does he know it's responsive.

16 MR. FITCH: She answered it. She said yes.

17 MR. SHUBERT: She did not.

18 JUDGE LUTON: Yes she did and kept going. Let's try
19 that all again. Ask your question again, Mr. Fitch.

20 BY MR. FITCH:

21 Q Do you recall being asked at your deposition that
22 during the, the course of this past year you probably made
23 \$500 a month on average?

24 A I know, average was a bad word for me to use. The
25 day after the deposition I --

1 Q Yes or no. Yes or no.

2 MR. SHUBERT: Your Honor --

3 MRS. CONSTANT: I did say that.

4 MR. SHUBERT: -- I'm going to object. Plainly the
5 witness is trying to clarify what the information is.

6 JUDGE LUTON: But you have to answer before there's
7 anything to clarify.

8 MRS. CONSTANT: I did say that. I did say that.

9 JUDGE LUTON: Mr. Fitch's difficulty was getting an
10 answer.

11 BY MR. FITCH:

12 Q And the source of the funds, I believe you may have
13 answered this earlier this morning, but if you have bear with
14 me. The source of the funds in the two Alex Brown accounts is
15 -- has -- was an inheritance? Is that what you testified to?

16 A Yes it was.

17 Q You don't, you don't know of any agreement between
18 Moonbeam and yourself that speaks to money that you are to
19 contribute to the corporation?

20 A I'm sorry. I don't understand the question.

21 Q You do not know, do you, of any agreement between
22 yourself and Moonbeam that deals with any money you are to
23 contribute to the corporation?

24 A Are you referring to a loan?

25 Q I'm referring to an agreement.

1 A No.

2 Q And you're not aware of any loan document that would
3 require you to loan any money to Moonbeam either, are you?

4 A No.

5 Q And you testified at your deposition, didn't you,
6 that Mary F. Constant does not have an individual financial
7 statement, is that true?

8 A Yes.

9 Q And you also testified, did you not, that you did
10 not have a detailed balance sheet within 90 days of the date
11 of the application. That you had only the two Alex Brown
12 statements. Do you recall testifying to that?

13 MR. SHUBERT: I'm going to object to the question on
14 the grounds that the case law in this case indicates you don't
15 have to have a detailed financial statement.

16 JUDGE LUTON: He's not arguing that she must have
17 it. He's asking whether the witness had one in fact.
18 Overruled.

19 MR. SHUBERT: And I'm saying that the question is
20 irrelevant, Your Honor.

21 JUDGE LUTON: What kind of a question is that.
22 Overruled.

23 MRS. CONSTANT: Would you repeat the question?

24 BY MR. FITCH:

25 Q You -- do you recall testifying during your

1 deposition that you did not have a detailed balance sheet
2 within 90 days of the date of the application. That you had
3 only the two Alex Brown statements?

4 A And the handwritten sheet that I gave you.

5 Q And you had nothing at the time the application was
6 signed on hand showing a net income after federal income taxes
7 for the past two years of Moonbeam, did you?

8 A No.

9 Q And you keep all your liquid assets in stock in the
10 two Alex Brown accounts, which have been identified in this
11 proceeding, is that correct?

12 A Yes.

13 Q And that's, and that's been true since the
14 application was filed?

15 A Until Friday.

16 Q Until Friday, and Friday --

17 A Last Friday I told you I moved \$90,000 of the --
18 actually I have moved some of the assets to my Moonbeam
19 account to pay my legal bills and then I moved the -- I moved
20 \$90,000 to that account on Friday so that I could come here
21 today and tell you that they are indeed liquid assets and that
22 I have the ability to move them as I please and I have the
23 ability to use them to build and run a radio station for three
24 months. Moonbeam wouldn't have had an income -- I wouldn't
25 have had income --

1 Q There's, there's no, there's no pending question.

2 A Okay.

3 Q Did you have anything on hand at the time the
4 application was filed showing income received by you other
5 than income included in your Alex Brown statements for the two
6 years prior to the time your application was filed?

7 A By --

8 MR. SHUBERT: I'm going to object to the question,
9 Your Honor, on the grounds, again, this information -- the law
10 of this case indicates you don't have to have that information
11 on file. We specifically raised an issue against Mr. Willson
12 based on that and the issue was turned down on the grounds it
13 wasn't necessary and I'm maintaining that this line of
14 questioning is irrelevant because the law of the case
15 indicates you don't need it.

16 JUDGE LUTON: Overruled.

17 MR. SHUBERT: May I reinstate then your -- my
18 argument, Your Honor, that a financial issue be instated
19 against Mr. Willson?

20 JUDGE LUTON: You can try anything you want.

21 MR. SHUBERT: Then I would like to reinstate my --

22 JUDGE LUTON: Put it in writing.

23 MRS. CONSTANT: Would you ask the question again.
24 I'm sorry.

25 BY MR. FITCH:

1 Q Yeah. Did you have anything available to you at the
2 time the application was filed indicating income after taxes
3 for the previous two years? Income to yourself?

4 A Are you talking about Moonbeam or are you talking --

5 Q To yourself. We've already asked the question about
6 Moonbeam.

7 A My W-- yes, my W-2 forms would have that. When the
8 house was rented out, my Social Security was -- number was
9 always used, so those would have been sent to me and they
10 would have been used to file the income tax.

11 Q So your answer is the W-2 forms?

12 A Yes.

13 Q Okay. Did you review those?

14 A Pardon me?

15 Q Did you review those at the time the application was
16 filed?

17 A I don't remember.

18 Q Now, your exhibit -- I am going back at least
19 briefly to your exhibits. Your Exhibits J and K -- Exhibits J
20 and K are, are they not, financial or, or account statements
21 is the word, for the same account but for different periods of
22 time. Is that correct? J being for the period May 29 to June
23 25 and K being June 26 to July 30?

24 A Yes.

25 Q Is that correct. Now, it shows -- these account

1 statements show a drop in total assets, do they not, from
2 421,778 to 271,080? And some change on both. Is that
3 correct? Is that, is that what they show?

4 A Yes.

5 Q All right. Now, isn't it true that the drop in
6 money available in the account is due bec-- is due to the fact
7 that funds were taken out of that account and paid over to
8 Fred Constant?

9 A They were put into another account, yes.

10 Q And isn't it true that the reason that that was done
11 is because the -- that some of the money at least in that
12 account was not money that was inherited by you, but was money
13 that was your husband's money from the sale of the property?

14 A Yes.

15 Q California is a community property state, is it not?

16 A Yes.

17 Q Do you recall testifying during your deposition that
18 when I asked you a question about your cost estimates --
19 actually it wasn't about that. I asked you a question about
20 Mr. Klein's estimates. Do you recall questions about that?

21 A Mr. Klein's -- if you say so.

22 Q Okay. Let me, let me refer you to that, which is
23 Exhibit A. There's a, there's a heading in there on the
24 second page identified as G & A. See that?

25 A Um-hum.

1 Q Do you recall when I asked you what that heading
2 referenced that you had no idea what it meant?

3 A If that's how you asked the question I probably -- I
4 don't think I -- I don't remember you asking the question.

5 Q Okay.

6 A Meaning general and administrative or -- I don't
7 know --

8 Q Okay. Do you recall my asking specifically this
9 question. There's a category here referring to Klein's
10 Engineering, Category E, with the letters G & A. Do you know
11 what that stands for? And you answered, no I don't.

12 A If you say so. It was a deposition, yes. I mean,
13 as I look at it now I'm assuming it means general and
14 administrative.

15 Q I'm asking you about your testimony back then. And
16 you discussed these -- and you also discussed cost estimates
17 with Fred Constant, didn't you?

18 A Yes, I did.

19 Q And you testified earlier today that you obtained
20 advice from -- I believe your testimony was from counsel and
21 from your engineer concerning cost estimates? Do you recall
22 that?

23 A Yes.

24 Q But, in fact, didn't you, didn't you testify during
25 your deposition that the advice you obtained from your counsel

1 was only general advice about cost estimates?

2 MR. SHUBERT: I'm going to object. If he's going to
3 try to impeach her on this, why don't we take a look at what
4 the transcript says and then try to impeach her testimony. If
5 we're just trying to recap what was stated at the deposition,
6 Your Honor, the transcript is going to speak for itself.
7 There's been a lot of questioning here that's not taking us
8 anywhere, not proving anything except what might have been
9 said three weeks ago in a deposition.

10 MR. FITCH: Your Honor, I'm trying to save time.

11 JUDGE LUTON: Overruled. Transcripts don't speak
12 for themselves, witnesses do.

13 BY MR. FITCH:

14 Q Do you recall -- do you need the question repeated?

15 A Please.

16 Q Do you recall that during your deposition you
17 indicated that counsel only provided your, your -- legal
18 counsel only provided you general advice about cost estimates?

19 A Yes.

20 Q And you were relying, were you not, on the same Alex
21 Brown accounts, the two that have been identified in your
22 direct case exhibits, to fund both the Eagle, Idaho,
23 application and also the Calistoga application. Is that
24 correct?

25 A Not at the same time, no.

1 Q All right. Let me just see if I can refresh your
2 recollection. I'm reading from the transcript during the
3 deposition. All right --

4 Question: All right. On May 16, 1991, Moonbeam
5 also was an applicant or filed an application for a radio
6 station in Eagle, Idaho. Is that correct? Answer: Yes.

7 Question: And as part of the application, Moonbeam
8 indicated that it was relying on finances as a source of funds
9 from Mr. Lang Manion of Alex Brown and Sons. Let me refer you
10 now to, Answer: We have a pattern here, yes.

11 Question: Now, is a reference here to Mr. Lang
12 Manion a reference to monies available to you in your accounts
13 which you held at that time? Answer: Yes.

14 Question: Are those accounts that you held at that
15 time the same accounts on which you were relying to fund the
16 Calistoga application? Answer: I think so.

17 JUDGE LUTON: I don't understand the use of the, the
18 deposition testimony. What was that intended to do? You
19 said, refresh the witness' recollection. The first thing you
20 need to do, if that's the purpose, is to show that the witness
21 had a recollection of something, but, but now she's forgotten
22 it and then you refresh. But I -- just to read something off
23 there --

24 MR. FITCH: My --

25 JUDGE LUTON: I don't know what that all means. I

1 don't understand that.

2 BY MR. FITCH:

3 Q Well, let me ask -- did you give that testimony.

4 Let me ask you that.

5 A Yes.

6 Q Okay. Now you were -- I -- to tie it together, I
7 asked you whether you were relying on the same funds from the
8 same accounts for both applications and your answer was not at
9 the same time. Is that correct?

10 A That's right.

11 Q Okay. Does a, does a review of this testimony in
12 any way change your answer that you just gave?

13 A No.

14 Q Okay. Very good. I believe you testified earlier
15 today that the amount specified in the Eagle application --
16 Eagle, Idaho, application was 125,000. Is that correct?

17 A That's correct.

18 Q While we're on that subject, when was the Eagle,
19 Idaho, settlement approved? Do you know?

20 A It was finally approved in, I believe, January of
21 1992.

22 Q And you didn't know until this, this letter was
23 issued that, in fact, settlement had been approved, did you?

24 A The settlement had been agreed upon in August of
25 1991.

1 Q But you didn't know it had been approved until
2 January of '92, did you?

3 A Well, as we all know, FCC takes a little while to
4 approve things. My attorney was tracking it though.

5 Q That's not responsive to the question.

6 MR. SHUBERT: Objection, Your Honor, it's directly
7 responsive. She's telling him what happened. He asked the
8 question and she's telling him.

9 MR. FITCH: No, I asked a yes or no question. That
10 wasn't a yes or no answer. The question was --

11 JUDGE LUTON: The question was whether or not she
12 knew before January 24, 1992, that the settlement had been
13 approved. That, that's one version of the question anyway
14 isn't it?

15 MR. FITCH: That's correct.

16 JUDGE LUTON: I think so. And her response was that
17 her attorneys were tracking it. That's not responsive.

18 MR. FITCH: Yes or no.

19 JUDGE LUTON: Please answer the question.

20 MRS. CONSTANT: Technically it was not approved.

21 MR. FITCH: Did you ever advise the Commission
22 during the pendency of the settlement agreement that you were
23 no longer financially qualified in the Eagle, Idaho,
24 proceeding?

25 MR. SHUBERT: Objection. It states a fact not in

1 evidence.

2 MR. FITCH: I'm simply asking her if she filed an
3 amendment that said such a thing.

4 MR. SHUBERT: But you're, you're also stating that
5 she was not financially qualified. And I'm stating that's not
6 a fact in evidence.

7 MR. FITCH: No, I'm saying did she ever file such an
8 amendment?

9 MR. SHUBERT: How is it relevant? I'll object to
10 the question on the grounds that it's not relevant and it's
11 based -- he's making an allegation that is not a fact in
12 evidence.

13 JUDGE LUTON: Jesus Christ! So many things just
14 come tumbling out. He's not making allegations. I understand
15 that he's trying to ask a question and first the objection was
16 that it's -- it includes a matter that's not in evidence and,
17 and then it's that what's being sought is irrelevant and all
18 of that. It may be, but I can't deal with just a cascade of
19 objections that slide from here to there without me having a
20 chance to even consider what's, what's being said.

21 MR. SHUBERT: Would you like me to restate the
22 objection, Your Honor.

23 JUDGE LUTON: No, I don't think so. I'm prepared to
24 overrule them both. I think the first one -- that the
25 question includes a matter not in evidence. So what? I'm not

1 aware that there needs to be -- that it needs to be limited
2 that way. This is not --

3 MR. SHUBERT: But, Your Honor --

4 JUDGE LUTON: This isn't expert testimony. He's
5 asking the witness, as a matter of fact, did you or did you
6 not. She can answer that yes or no.

7 MR. SHUBERT: But the way the character -- the
8 question is framed, Your Honor, it's one of those questions
9 like when did you stop beating your wife. It's did you file
10 an amendment to say that you were not financially qualified.
11 That presumes a fact that we don't have.

12 JUDGE LUTON: What fact is that?

13 MR. SHUBERT: That in order to file that amendment,
14 you would not -- you would have to be not financially
15 qualified.

16 JUDGE LUTON: Can't the witness simply answer the
17 question no if it's true? Or, or yes if it's true. I, I'm
18 not sure I fully appreciate all those fine distinctions and
19 I'm -- I don't have to. I'm not going to get into them. That
20 objection is overruled. Now, with respect to whether or not
21 the information sought is relevant or not relevant, well I
22 don't know, but I'm prepared to view the inquiry as
23 introductory in nature in the hope that it will very shortly
24 lead to something relevant or it will be abandoned altogether.
25 So with that the objection is overruled. Ask the question